

KENNETH E. BARRON  
PRISON NUMBER 30255-037  
FMC DEVENS PRISON  
P.O. BOX 879  
AYER, MA 01432-0879  
PROSE PRISONER PLAINTIFF

FILED  
CLERKS OFFICE  
2007 MAY 15 A 11: 15  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KENNETH E. BARRON  
PROSE PLAINTIFF

VS.

UNITED STATES OF AMERICA  
ON BEHALF OF THE FEDERAL  
BUREAU OF PRISONS; FMC  
DEVENS PRISON, AYER, MA

CIVIL CASE DOCKET NUMBER: 4:04 CV40023

JUDGE REGINALD C. LINDSAY

MOTION BY THE PROSE PLAINTIFF TO REACTIVATE THE  
INSTANT ACTION THAT WAS PLACED ON THE INACTIVE  
DOCKET BY THE HONORABLE REGINALD C. LINDSAY

CONSOLIDATED MOTION AND DECLARATION BY THE PROSE PRISONER PLAINTIFF TO REACTIVATE THE INSTANT ACTION THAT WAS PLACED ON THE INACTIVE DOCKET BY JUDGE REGINALD C. LINDSAY SUBJECT TO THE PLAINTIFFS RIGHT TO BRING THE INSTANT MOTION AND PROCEED TO TRIAL

DECLARATION AND AFFIRMATION

Kenneth Eugene Barron, Prose Plaintiff prisoner, herein after (Plaintiff) declares and affirms under the penalty of perjury that the instant filing is true.

REQUEST TO REACTIVATE THE PLAINTIFFS INSTANT ACTION

1. - Respectfully on April 15, 2007 the Plaintiff filed his motion to amend supplement pursuant to the Federal Rules of Civil Procedure 15(d). Said above filing was made under the Plaintiff deprivation of court access at the FMC Devens Prison Law Library. The Plaintiff was deprived the mandatory law library assistance that was mandated by the Supreme Court of the United States in Lewis v. Casey, 518 US 343, 135 L.Ed.2d 606, 116 S.Ct 2174 (1996); Bounds v. Smith, 430 US 817, 52 L.Ed.2d 72, 97 S.Ct 1491 (1977). The foregoing Supreme Court rulings were affirmed by well settled law in the United States Court of Appeals for the First Circuit. See Boivan v. Black, First Circuit.

2. - Respectfully the instant motion should now be consolidated with the Plaintiffs April 15, 2007 filed motion. Said April 15, 2007 filed Plaintiff's motion is somewhat difficult to discern.

3. - Respectfully the instant motion and Plaintiff's April 15, 2007 motion are both filed to reactivate the instant action and proceed toward trial.

**PLAINTIFF'S REQUEST TO FURTHER SUPPLEMENT THE INSTANT ACTION UNDER TORT AND CONSTITUTIONAL TORT BIVENS VIOLATIONS BY NAMED PRISON OFFICIALS**

4. - Respectfully on April 15, 2007 the Plaintiff was unable to file all of his allegations that require a supplement to the pending instant complaint. Therein the Plaintiff is now requesting this Honorable Court to allow the Plaintiff to supplement his pending instant complaint with additional allegations that have taken place after the filing of the Plaintiff's complaint by the defendant.

5. - Respectfully the Plaintiff submits that he is requesting this Honorable Court to issue their order, allowing the Plaintiff to reactivate the instant action and file his supplemented complaint. Therein the Plaintiff will file his supplemental complaint with both violations of the Federal Tort Claims Act with consolidated allegations under Bivens Constitutional Tort violations.

6. - Respectfully the above supplement complaint will name prison officials for their violations of the Federal Constitutional Eighth Amendment Estelle v. Gamble, 429 US 97, 50 L.Ed.2d 251, 97 S.Ct 285 (1976). Therein the prison officials did cause the Plaintiff's serious medical injuries since the filing of the instant complaint.

THE HONORABLE COURT IS RESPECTFULLY REQUESTED TO ALLOW  
THE PLAINTIFF TO FILE HIS SUPPLEMENTAL COMPLAINT AFTER  
THE HONORABLE COURT RULES ON THE INSTANT MOTION

7. - Respectfully the Plaintiff is requesting this Honorable Court to order that the Plaintiff may file his above discerned supplemental complaint after this court rules on the instant motion. Therein the Plaintiff will now start to seek out his prison law library assistance that is required to file the above supplemental complaint. Lewis v. Casey, S.Ct; Bounds v. Smith, S.Ct; Boivan v. Black, First Circuit.

CONCLUSION

Respectfully the Plaintiff is requesting that the Honorable Court order that the instant action is now reactivated. In addition, the Honorable Court is requested to order that the Plaintiff may file his supplemental complaint as set forth in the instant motion.

Dated: May 11, 2007

Respectfully submitted  
By: Kenneth E. Barron  
Kenneth Eugene Barron  
Prose Plaintiff Prisoner

PROOF OF SERVICE ON THE DEFENDANT BY THE U.S. ATTORNEY  
MICHAEL SULLIVAN

The Plaintiff, Kenneth Eugene Barron, declares and affirms under the penalty of perjury that he did serve by the FMC Devens Prison legal mail system on May 11, 2007 the Defendant by US Attorney Michael Sullivan by AUSA Gina Y. Walcott-Torres at 1 Courthouse Way, Suite 9200, Boston, MA 02210.

By: Kenneth Barron  
Kenneth Eugene Barron